THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 13863 OF 2002

Dated 11th July, 2007

Between:

Shaik Salim and another.

…Petitioners

And

State of A.P., represented by its Secretary,
Municipal Administration, Secretariat
Buildings, Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioners questioned the notice issued by the Rajahmundry Municipal Corporation.

In the aforesaid notice, on the ground that the petitioners are doing carpentry work without possessing licence as required under Section 521 of the Hyderabad Municipal Corporations Act, they were directed to stop the said activity and were also directed to vacate the premises.

It is fairly submitted by the learned counsel for the petitioners that the activity, which the petitioners are carrying on by using electrical machines, requires licence. But, however, there is no authority for the respondents to direct the petitioners to vacate the premises, as the premises belong to the petitioners.

If the petitioners are doing any trade within the meaning of Section 521 of the Hyderabad Municipal Corporations Act, which is made applicable mutatis mutandis to the Rajahmundry Municipal Corporation by Section 14 of the Andhra Pradesh Municipal Corporations Act, 1994, without obtaining the licence, the respondents can stop the business. But, as much as it is stated that the petitioners are doing the business in their own premises, there appears no reason for ordering the petitioners to vacate from their premises. In that view of the matter, the direction to the extent of vacation of the premises contained in the impugned order is set aside. However, so far as the direction for stopping the business without possessing requisite licence is concerned, no interference is made in this writ petition.

It is open for the petitioners to seek appropriate licence and if

application is filed for such a licence, the respondents shall consider in accordance with the provisions of the Hyderabad Municipal Corporations Act.

Subject to above direction, the writ petition is disposed of. No costs.

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11-7-2007

R.SUBHASH REDDY, J.

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